

R E M A R K S

Claims 12 and 13 were rejected under 35 U.S.C. §112, second paragraph for being indefinite and failing to particularly point out and distinctly claim the subject matter of the invention. This rejection is now moot as these claims 12 and 13 have been cancelled.

Applicants' have made a significant advance in the oil refining industry and Fischer-Tropsch processes by providing a catalyst which, by its design and being sodium-free, is a highly efficient passivator of V and Ni as these two metals are found in these industries and processes. V and Ni are art recognized as being undesirable. These catalyst can also be seen as having another function, i.e. the reduction of SO_x and NO_x .

Originally examined Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable under Section 103(a) over Euzen et al. (US 5,830,822). This rejection is not sustainable against the claims now in the case.

Euzen et al. discloses a high temperature resistant oxidation catalyst for use in the catalytic combustion of hydrocarbons, carbon dioxide, hydrogen and mixtures thereof. There is no disclosure or suggestion in Euzen et al. to passivate V and Ni in any context much less the context of an oil refinery process or a Fischer-Tropsch process. Thus, Euzen et al. cannot support a Section 103(a) rejection of Applicants' present claims that recite an oil refinery process or a Fischer-Tropsch context for V and Ni passivation by the recited catalyst.

Euzen et al. teaches in col. 7, lines 33- 46 that certain precipitation agents are used in forming the Euzen et al. catalysts. Exemplary agents are sodium hydroxide, sodium carbonate, potassium hydroxide and ammonia. Note that Euzen et al. does not teach any benefit to using a non-sodium precipitation agent. Instead, Euzen et al. teaches that suitable precipitating agents must be capable of precipitating all of the catalytic components and that selection of the precipitating agent hinges on that fact. Euzen et al. teach that for difficult to precipitate catalysts mixtures of agents are needed and then recites mixtures of sodium containing agents as being preferred and needed. Thus, there is

no teaching or suggestion in Euzen et al. to compel sodium-free precipitating agents or that sodium-free precipitating agents benefit passivation of V and Ni contents in the process contexts recited in Applicants' new claims.

Originally examined Claims 11-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Euzen et al. as applied to originally examined claim 8, and further in view of Kim et al. (US 5,603,823).

The combination of Euzen et al. and Kim et al. cannot support the Section 103(a) rejection since Kim et al. does not recognize the disadvantage of the presence of sodium in Kim et al.'s disclosed catalyst. In fact, Kim et al. teaches that TPP (tetrasodium pyrophosphate), a dispersant, is useful in construction of the supported catalyst. See col. 3, lines 52-34 and Examples 1-3 of Kim et al.

Thus, Kim et al. cannot provide for the deficient teaching in Euzen et al. that V and Ni passivation can be enhanced in oil refinery processes and Fischer-Tropsch processes by avoiding the use of sodium in catalyst manufacture and construction. Therefore, the present claims are not rendered obvious under Section 103(a) by the combination of Euzen et al. and Kim et al.

In light of the foregoing amendments and remarks, the case is believed to be in condition for allowance. Prompt notification to this effect would be sincerely appreciated.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to Albemarle Corporation at their address of record.

Respectfully submitted,

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